

IN THE DRAWINGS:

The attached sheet of drawings include changes to Figure 2. The replacement sheet including Figure 2 replaces the original sheet including Figure 2. In Figure 2, the labels and reference characters “Communications Bus 205” and “Communications Bus 207” have been added.

Attachments: Replacement Sheet

REMARKS

Claims 1-28 are pending in the application. Claims 9-13 have been amended. Claims 1-28 accordingly remain pending in the application.

On October 10, 2007, the undersigned's assistant, Karen Ashby, spoke with the Examiner, who indicated that the inventor's declaration was in order and the objection to the declaration was a typographical error. Therefore, no action is believed to be necessary with regard to the declaration.

The Examiner noted the use of the trademarked term Java™ in the specification. Applicant has amended the specification to include a trademark designation and appropriate generic terminology to accompany the initial reference to Java™. No new matter is believed to have been added.

Objections to the Drawings

The drawings are objected to for failing to comply with 37 CFR 1.84(p)(5). In particular, the drawings are objected to because Figure 2 lacks reference characters mentioned in the description. Applicant has amended Figure 2 to add the labels and reference characters "Communications Bus 205" and "Communications Bus 207." The drawings are also objected to because the specification does not expressly mention numerous reference characters shown in Fig. 1. Applicant has amended the specification to include the various references noted by the Examiner. Accordingly, withdrawal of the objections to the drawings is respectfully requested.

Rejections Under 35 U.S.C. § 101

Claims 9-13 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 9-13 have been amended to recite, in pertinent part, a "computer-readable storage medium." Support for the amendments to claims 9-13 may be found in Applicant's specification at least in paragraph [0064]. Claims 9-13 (as amended) are

believed to be limited to statutory subject matter. Accordingly, withdrawal of the rejections of claims 9-13 under § 101 is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Teegan et al. (U.S. Patent No. 6,748,555, hereinafter “Teegan”). Applicant respectfully traverses the rejection in light of the following remarks.

Anticipation under § 102(e) requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed below, Teegan fails to disclose each and every element of the claimed invention.

Applicant’s claim 1 recites:

1. A method for use in a distributed management framework comprising a plurality of applications, wherein each of the plurality of applications is configured to make function calls to standard programming functions, the method comprising:
 - intercepting the function calls to the standard programming functions made by the plurality of applications;
 - routing the function calls to alternative implementations of the standard programming functions;
 - using the alternative implementations of the standard programming functions to collect availability metrics for the plurality of applications.

Applicant respectfully submits that Teegan does not teach or suggest a method comprising “routing the function calls to alternative implementations of the standard programming functions” and “using the alternative implementations of the standard programming functions to collect availability metrics for the plurality of applications” in combination with the remaining limitations of claim 1. As shown in Fig. 3, Teegan

discloses the interception of a method invocation by an interceptor 206. The invocation is made by a client 202 and intended for receipt by an object 204. However, after extracting operational management information associated with the invocation, the interceptor forwards the invocation to **the same object 204 that was the original target of the invocation** (see, e.g., col. 10, lines 1-7; Fig. 6, step 410). Applicant can find no teaching or suggestion in Teegan that the object 204 is an alternative implementation of standard programming function which the client 202 is configured to invoke. Thus, Teegan does not teach or suggest routing function calls to **alternative implementations** of the standard programming functions or **using the alternative implementations** of the standard programming functions to collect availability metrics for the plurality of applications. For at least these reasons, Applicant respectfully submits that independent claims 1, 9, 14, and 19 are patentably distinct from Teegan.

Applicant's claim 20 recites:

20. A method for use in a distributed management framework comprising a plurality of applications, the method comprising: starting a manager thread inside each of the plurality of applications; and using the manager threads to monitor execution of the plurality of applications in a production environment.

Applicant respectfully submits that Teegan does not teach or suggest a method comprising "starting a manager thread inside each of the plurality of applications" and "using the manager threads to monitor execution of the plurality of applications in a production environment" in combination with the remaining limitations of claim 20. In rejecting claim 20, the Office Action cites various passages and drawings of Teegan (e.g., Fig. 3; Fig. 6; col. 10, lines 1-17; col. 26, lines 39-45) as teaching the limitations of claim 20. In Fig. 3 and col. 10, lines 1-17, Teegan discloses a method for intercepting an invocation of an object 204 using an interceptor or proxy 206. As shown in Fig. 3, the interceptor or proxy 206 is **external to** both the object 204 and the invoking client program 202. In Fig. 6 and col. 26, lines 39-45, Teegan discloses further aspects of the interception scheme, such as the instantiation of a proxy object, the instantiation of a monitored object, and providing the proxy object with a reference to the monitored

object. Again, the proxy object is external to the other components, as further evidenced by Teegan's need to provide the proxy object with references to both the monitored object and the client (Fig. 16, step 906). Therefore, Teegan's interceptor or proxy is not equivalent to a manager thread inside each of the plurality of applications whose execution is monitored. For at least these reasons, Applicant respectfully submits that independent claim 20 is patentably distinct from Teegan.

Applicant's claim 23 recites:

23. A method for use in a distributed management framework comprising a plurality of applications, wherein the plurality of applications comprise at least one monitored application, the method comprising:
modifying program code of the monitored application to include additional instructions;
using the additional instructions in the monitored application to monitor execution of the monitored application in a production environment; and
automatically generating output in response to a triggering event in the execution of the monitored application, wherein the output comprises an execution history for the monitored application.

Applicant respectfully submits that Teegan does not teach or suggest a method comprising "modifying program code of the monitored application to include additional instructions" and "using the additional instructions in the monitored application to monitor execution of the monitored application in a production environment" in combination with the remaining limitations of claim 23. In rejecting claim 23, the Office Action cites various passages and drawings of Teegan (e.g., col. 3, lines 19-23; col. 12, lines 23-25; col. 19, lines 24-26; Fig. 5) as teaching the limitations of claim 23. In col. 3, lines 19-23, Teegan discloses that operations on (i.e., invocations of) software objects are monitored to generate information for a software management software system. In col. 12, lines 23-25, Teegan discloses that notifications are generated to monitor program availability. In col. 19, lines 24-26, Teegan discloses information about the metrics that are gathered in the monitoring. Fig. 5 illustrates, among other elements, an execution environment 308 which includes a proxy 310 and monitored object 312 and an execution environment 330 which includes a proxy 332 and monitored object 334. However,

Applicant can find no teaching or suggestion in Teegan for **modifying program code of the monitored application or object** to include additional instructions. As discussed above with respect to the rejection of claim 20, Teegan's interceptor or proxy is external to the monitored object. Similarly, there is no teaching or suggestion in Teegan for **using the additional instructions in the monitored application** to monitor execution of the monitored application in a production environment. For at least these reasons, Applicant respectfully submits that independent claim 23 is patentably distinct from Teegan.

Applicant asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Accordingly, Applicant respectfully requests withdrawal of the § 102(e) rejections.

CONCLUSION

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-20100/BNK.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Noel Kivlin', with a long horizontal flourish extending to the right.

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